

**REMARKS**

Reconsideration of the application is requested in view of the above amendments and the following remarks. Claims 1-3, 9, 10, 16, 17, 19, 20 and 22 have been amended. The amendments to claims 1-3 and 16 are supported by at least the description at page 6, lines 2-22 of the present specification. Claims 9 and 10 have been amended to change claim dependencies only. The amendments to claims 17, 19, 20 and 22 are supported by at least Figures 17, 18, 20 and 26 of the present application. No new matter has been added.

Claims 1-25 were rejected under 35 USC §103(a) as being unpatentable over Christopher (US 6,037,571) in view of Hopponen (US 6,437,291). Applicants respectfully traverse this rejection.

Christopher discloses a dual power source electric grill. The grill uses both AC power and DC power sources concurrently to provide maximum heat output. The grill includes a first heating element powered by the DC power source and a second heating element powered by the AC power source. The DC and AC heating elements heat a single cooking surface and are separately controlled to be turned on or off in any combination (e.g., both the DC and AC heating elements "on" at the same time, or one element "on" and the other element "off").

Christopher fails to disclose or suggest an electric cooking assembly that includes "a single power source coupled to the first and second heating elements," as required by claim 1, or a "cooking apparatus including a . . . single power source" as required by claim 16. Because Christopher fails to disclose or suggest a single power source for use with first and second heating elements, Christopher also fails to disclose or suggest "wherein either the first or the second electric heating element receives power for operation at a given time," as required by claim 2, or "delivering current flow to either the first heating element or the second heating element at a given time," as required by claim 16.

Christopher also fails to disclose "a first cooking surface and a second cooking surface; a first electric heating element arranged and configured to provide heat to at least a portion of the first cooking surface; a second electric heating element configured to heat at least a portion of the second cooking surface," as required by claim 1. Christopher further fails to disclose a method

of assembling a cooking apparatus that includes "positioning the first electric heating element in the cooking area between the first cooking surface and the base member; [and] coupling the second electric heating element to the second cooking surface," as required by claim 16.

Hopponen discloses a convertible rotisserie and grill. When configured as a grill, the Hopponen device includes a grill plate 20 having a hot plate cooking surface 25 for frying and a set of racks 27 for grilling/barbecuing. The entire plate 20 is heated by a single heating element that is either "built-in" as resistance coils 67 or is positioned in close proximity to the plate 20. When configured as a rotisserie, the grill plate 20 and its related heating element is removed and a separate set of heating elements (heating rods 90) are provided across the back plate 15. Hopponen fails to disclose or suggest separate heating elements for use with the grill plate 20. Therefore, Hopponen fails to remedy the deficiencies of Christopher as it relates to claims 1, 2 and 16, and the claims that depend from them.

Claims 17 and 20 require that a first hood member, together with a base member, define an enclosed cooking area. A second hood member is positioned within the cooking area and is adjustable between an open position, wherein the cooking surface is accessible and a closed position wherein the second hood member covers the cooking surface. Claim 22 requires a first hood member and a base member that define a cooking area, and "a second hood member positioned within the cooking area . . . and configured for adjustment between an open position providing access to the cooking surface when the first hood member is in an opened position, and a closed position covering at least a portion of the cooking surface, wherein the first hood member encloses the cooking surface and the second hood member when in the closed position."


Christopher discloses a single hood member 18 that in combination with a frame 13 of the grill provide an enclosed cooking area in which a cooking rack 70 is positioned. Hopponen discloses a cover 14 having outer and inner cover members 16, 17 that together with a housing 12 define a cooking area in which a grill plate 20 or rotisserie assembly is positioned. Hopponen and Christopher fail to disclose or suggest a separate hood member positioned in the cooking area that is operable between open and closed positions to provide access to a cooking surface. Therefore, Christopher and Hopponen fail to disclose or suggest every limitation of claims 17, 20 and 22, and the claims that depend from them.

In view of the above, Applicants request reconsideration of the application in the form of a Notice of Allowance. If a phone conference would be helpful in resolving any issues related to this matter, please contact Applicants' attorney listed below at 612.371.5387.

Respectfully submitted,

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Date: September 1, 2005

  
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